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Attorneys for LVMPD Officers Kvam and Lopez

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

DWAYNE R. QUINEY,

Plaintiff,

Case No.: 2:11-cv-00150-GMN-PAL

vs.

LVMPD OFFICER KVAM (P#10023); and  
LVMPD OFFICER LOPEZ (P#9495),

Defendants.

**REQUEST FOR EXEMPTION TO ATTENDANCE REQUIREMENTS FOR  
SETTLEMENT CONFERENCE**

Defendants, Officer Anthony Kvam and Officer Deana Lopez (collectively "Defendants"), by and through their attorney of record, Nick D. Crosby, Esq. of the law firm of Marquis Aurbach Coffing, hereby file their Request for Exemption to Attendance Requirements for Settlement Conference..

This Request is made and based upon the attached Memorandum of Points and Authorities, all papers and pleadings on file herein, and any oral argument allowed at the time of the hearing.

Dated this 14 day of August, 2012.

MARQUIS AURBACH COFFING

By

Nick D. Crosby, Esq.  
Nevada Bar No. 8996  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorney(s) for LVMPD Officers Kvam and Lopez

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BRIEF STATEMENT OF RELEVANT FACTS**

On July 5, 2012, the Court ordered the parties to attend a mandatory settlement conference on August 29, 2012. (Docket # 42). The undersigned counsel is in a binding labor arbitration on August 29, 2012 and, as such, the parties submitted a stipulation to continue the settlement conference. (Docket #43). In the stipulation, the parties included August 31, 2012 as an available date. On August 3, 2012, the Court granted the stipulation and ordered that the settlement conference be rescheduled to August 31, 2012. (Docket#44). On August 16, 2012, the undersigned was informed Defendant Deana Lopez ("Lopez") is scheduled to fly out of town on the morning of August 31, 2012 and unable to attend the settlement conference.

**II. ARGUMENT**

The Defendants respectfully request an exemption from the attendance requirements of Ofc. Lopez at the settlement conference. Officer Lopez is a police officer with the Las Vegas Metropolitan Police Department ("LVMPD"). LVMPD will have a representative from Risk Management of the LVMPD present during the settlement conference with full authority to settle the case on behalf of Ofc. Lopez. The Plaintiff admitted in his deposition that Ofc. Lopez did not take part in the alleged unconstitutional violations and the Defendants have a motion for summary judgment pending with the Court. Given the fact a Risk Management representative with full authority to settle on behalf of the Defendants will be present during the settlement conference, coupled with the fact the Plaintiff admits Ofc. Lopez did not personally participate in the alleged unconstitutional violations, the Defendants respectfully request the personal appearance of Ofc. Lopez be excused from the settlement conference. The Defendants do not believe the absence of Ofc. Lopez will hinder fruitful settlement discussions in any way.

**III. CONCLUSION**

The Defendants respectfully request that Ofc. Lopez be excused from the settlement conference and that a representative from LVMPD with full authority to settle the matter on behalf of Ofc. Lopez attend in lieu of attendance by Ofc. Lopez. It is the Defendants' belief that settlement discussions will not be hindered or stifled by Ofc. Lopez' absence and, as such,

Defendants respectfully request Ofc. Lopez not be required to appear at the August 31, 2012 settlement conference


Dated this 17 day of August, 2012.

MARQUIS AURBACH COFFING

By

Nick D. Crosby, Esq.  
Nevada Bar No. 8996  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorney(s) for LVMPD Officers Kvam and Lopez

For good cause shown,  
**IT IS SO ORDERED** this 22nd day of  
August, 2012.

  
Peggy A. Leen  
United States Magistrate Judge

MARQUIS AURBACH COFFING

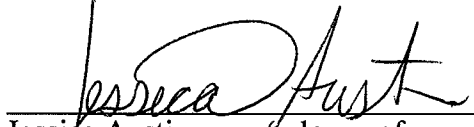
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**CERTIFICATE OF MAILING**

I hereby certify that on the 17 day of August, 2012, I served a copy of the foregoing **REQUEST FOR EXEMPTION TO ATTENDANCE REQUIREMENTS FOR SETTLEMENT CONFERENCE** upon each of the parties by depositing a copy of the same in a sealed envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully prepaid, and addressed to:

Dwayne Quiney  
2108 Sunrise Avenue, Apt. 1  
Las Vegas, NV 89101  
*Pro Se*

and that there is a regular communication by mail between the place of mailing and the place(s) so addressed.

  
Jessica Austin, an employee of  
Marquis Aurbach Coffing

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